

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

RUFUS WEST,

Plaintiff,

v.

Case No. 06-C-068

JOHN KUSSMAUL, et al.,

Defendants.

ORDER GRANTING MOTION FOR EXTENDED DISCOVERY

Rufus West, a state prisoner, filed a *pro se* civil rights action pursuant to 42 U.S.C. § 1983 concerning events that occurred while he was incarcerated at the Wisconsin Secure Program Facility. In its initial screening order, the court dismissed all of West's claims save his Eighth Amendment claim that he was subjected to freezing temperatures while on BMP. (Order of May 31, 2006, at 15.) However, by order of February 12, 2007, the court granted West's motion to reconsider, and thereby reinstated his retaliation claim, as well as his due process and Eighth Amendment claims based on the entirety of the adverse conditions of confinement while he was on BMP. (Order of February 12, 2007, at 1-2.) On March 1, 2007, West filed a motion for extended discovery requests, seeking permission for an additional 25 admissions and 25 interrogatories so that he may conduct discovery directed to the reinstated claims. Defendants have not responded to West's motion.

West argues that prior to the court's reinstatement of his claims, he had used up his allotted admissions and interrogatories. It is understandable that in the wake of the court's screening order, West would direct all of his available requests for interrogatories and admissions to his remaining

claim. Given these circumstances and given defendants' failure to object, the court finds that West's request for additional discovery is justified.

IT IS THEREFORE ORDERED that plaintiff's motion for extended discovery is **GRANTED**. Plaintiff will be permitted an additional 25 interrogatories and 25 admissions directed to his reinstated claims.

Dated this 30th day of March, 2007.

s/ William C. Griesbach
William C. Griesbach
United States District Judge